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17  
18 **UNITED STATES DISTRICT COURT**  
19  
20 **NORTHERN DISTRICT OF CALIFORNIA**

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28 ALLEN MOSHIRI, individually, and  
on behalf of all others similarly  
situated,

Plaintiffs,  
vs. HSNi, LLC, a Delaware Limited  
Liability Company, dba Home  
Shopping Network, and DOES 1  
through 20, inclusive,

Defendants.

CASE NO. 3:14-cv-01034-VC

**FIRST AMENDED CLASS ACTION  
COMPLAINT**

JURY TRIAL DEMANDED

1 Plaintiff Allen Moshiri (“Plaintiff”), on behalf of himself and all others  
 2 similarly situated, alleges for his Complaint against HSNi, LLC dba Home  
 3 Shopping Network (hereafter “HSN” or “Defendant”), and DOES 1-20, inclusive,  
 4 as follows:

5 **NATURE OF THE ACTION**

6 1. This class action involves Defendant’s unfair, unlawful, and fraudulent  
 7 course of conduct in promoting, advertising, offering for sale, and selling products  
 8 through material misrepresentations and omissions as to the place of origin and  
 9 quality of said products. More specifically, Defendant has promoted, advertised  
 10 and sold various kitchen knives and knife sets under the “EMERIL™” brand name  
 11 that Defendant represented were manufactured in Germany. Contrary to  
 12 Defendants’ representations, these knives and knife sets were manufactured in  
 13 China. The knives and knife sets in question (hereafter the “Counterfeit Knives”)  
 14 bear on one side of the blade the “EMERIL™” mark and the words “SOLINGEN  
 15 GERMANY” but on the other side of blade is stamped the word “CHINA.”  
 16 Moreover, the Counterfeit Knives are not of the high quality associated with knives  
 17 from Solingen, Germany, nor of the quality represented by Defendant. Many  
 18 consumers have posted complaints and/or product reviews stating that, *inter alia*,  
 19 the knife blades rust easily, lose their edge, and that the blades chip and break  
 20 easily. Defendant’s representations as to place of origin and high quality of the  
 21 Counterfeit Knives were made through multiple marketing and advertising channels  
 22 including television, Internet, phone sales, and, possibly at brick and mortar stores.  
 23 Upon information and belief, during the relevant time period, Defendant promoted,  
 24 advertised, offered for sale, and sold at least twelve different types of Counterfeit  
 25 Knives through material misrepresentations and material omissions common to the  
 26 entire class.

27 2. Defendant’s unfair, unlawful, and fraudulent practices have  
 28 significantly and substantially harmed Plaintiff and the Class, who have paid

1 millions for poor quality products with a false designation of geographical origin  
 2 that they likely would not have purchased but for Defendant's unlawful conduct.

3 **JURISDICTION AND VENUE**

4 3. This Court has jurisdiction over all causes of action asserted in this  
 5 complaint pursuant to 28 U.S.C. Section 1332(a). Plaintiff alleges there is minimal  
 6 diversity of citizenship among the parties, as Plaintiff is informed and believes and  
 7 thereon alleges that Defendant is organized in the State of Delaware, and maintains  
 8 its principal place of business in St. Petersburg, Florida. Plaintiff is a resident and  
 9 citizen of California. There are more than 100 class members and the amount in  
 10 controversy exceeds \$5,000,000, exclusive of interest and costs. The Court has  
 11 personal jurisdiction over Defendant, which has at least minimum contacts with the  
 12 State of California because it has conducted business there and has availed itself of  
 13 California's markets through its distribution, promotion, advertising and sales of the  
 14 Counterfeit Knives.

15 4. Venue is proper in this District pursuant to 28 U.S.C. Section 1333(a)  
 16 because a substantial part of the wrongful acts, events and transactions which form  
 17 the basis of this complaint took place within this district.

18 **THE PARTIES**

19 5. Plaintiff is an individual residing in and is a citizen of the State of  
 20 California.

21 6. Plaintiff is informed and believes and based thereon alleges that  
 22 Defendant HSN is a Delaware Limited Liability Company with its principal place  
 23 of business in St. Petersburg, Florida. Defendant HSN conducts business in this  
 24 judicial district, including promoting, advertising, offering for sale and selling the  
 25 Counterfeit Knives.

26 7. The true names and capacities of the defendants sued herein as DOES  
 27 one through twenty, inclusive, currently are unknown to Plaintiff, who therefore  
 28 sues such defendants by fictitious names. Each of the defendants designated herein

1 as a DOE is legally responsible for the unlawful acts alleged herein. Plaintiff will  
2 seek leave of court to amend this complaint to reflect the true names and capacities  
3 of the DOE defendants when such identities become known.

4       8. At all relevant times, each and every defendant was acting as the agent  
5 and/or employee of each and every other Defendant, and was acting within the  
6 course and/or scope of such agency and/or employment with the full knowledge  
7 and consent of each of the defendants. Each of the acts and/or omissions  
8 complained of herein were alleged and made known to, and ratified by, each of the  
9 other defendants.

## **FACTUAL ALLEGATIONS**

11       9.    Defendant HSN is a marketing company that promotes and sells  
12 products nationally, through television “infomercials” and advertising and sales on  
13 the internet and by telephone. HSN claims to offer an innovative, differentiated  
14 retail experience on TV, online, via mobile, and in brick-and-mortar stores in  
15 Florida. Upon information and belief, HSN sells assorted products and name  
16 brands, and broadcasts live 24 hours a day, seven days a week, 364 days a year,  
17 reaching approximately ninety-six million (96,000,000) homes. At all relevant  
18 times, HSN regularly promoted, advertised, offered for sale, and sold EMERIL™  
19 brand products, including the Counterfeit Knives, on the HSN website, through  
20 “infomercial” TV shows and other television program aired on the Home Shopping  
21 Network, by telephone, and possibly in other retail outlets.

22       10. On or about July 8, 2012, Plaintiff was watching television and saw a  
23 segment on HSN with celebrity chef Emeril Lagasse and an HSN host promoting a  
24 Santoku knife as having been manufactured in Solingen, Germany. Both Emeril  
25 and the host represented several times that the knife was of "high quality" either  
26 "from Germany" or "made in Germany." That same day, Plaintiff called HSN at the  
27 phone number indicated on the television screen and inquired about the knife.  
28 Plaintiff was informed by the HSN representative on the phone that the knife was in

1 fact made in Germany. Based on that conversation with the HSN representative,  
2 and the material presented on the TV Plaintiff purchased from Defendant a five  
3 inch "santoku" kitchen knife that Defendant represented was manufactured, made  
4 and/or originated in Solingen, Germany, but later on Plaintiff learned that it was  
5 actually was manufactured in China. That day, on TV, plaintiff watched the  
6 segment for about 10 to 15 minutes. EMERIL and HOST discussed the high quality  
7 of this Santoku knife and made demonstrations about how to use the knife and they  
8 kept representing that it was a "high quality knife from Germany". On the screen,  
9 on the left bottom there was an item number, item price and a phone number to  
10 contact. The item number was 152/241 for the knife and its sharpener. Plaintiff  
11 went to the website of hsn.com and entered the item number and then placed the  
12 order. Nowhere on that order page was there any mention that the knife was from  
13 China. On the website page to order the knife, there was no information or  
14 comments which would inform Plaintiff that the knife was not made in Germany.  
15 Furthermore, plaintiff had no reason to believe that the material presented by  
16 Emeril and HSN host on the HSN network could possibly be false. Moreover, on  
17 the webpage for the knife there was a posted video which plaintiff clicked on and  
18 watched. That posted video was identical to the TV segment, which plaintiff could  
19 and did watch it again on hsn.com. The video associated with the product  
20 confirmed again that HSN was indeed representing that the knife was from  
21 Germany. The reason plaintiff purchased the knife and placed the order was  
22 because he watched the TV segment and the posted video on hsn.com and relied on  
23 HSN and Emeril representations that the knife was from Germany. Plaintiff trusted  
24 Emeril as a reputable celebrity to be honest about his representation. Plaintiff  
25 trusted and relied on Emeril's representations. Plaintiff trusted HSN to be a  
26 reputable shopping network. He trusted the representation of the host to be truthful.  
27 He had no reason to investigate to verify the representations made on TV and on  
28 HSN website prior to placing the order.

1       11. Naturally, because Plaintiff heard from Emeril, the HSN host and now  
 2 also from the HSN rep on the phone that the knife was from Germany, he believed  
 3 that if the words "Solingen, Germany" appeared on the knife, it was proof that the  
 4 knife was from Germany. When Plaintiff received the knife in the mail, he noticed  
 5 that on one side of the knife it stated "Emeril™" and "Solingen Germany" but on  
 6 the other side, it stated "China." Plaintiff did not think that the word "China" used  
 7 alone meant that the knife was "made in China." Moreover, Plaintiff saw the word  
 8 "TM", meaning trademark, next to "Emeril" and "Solingen, Germany," which  
 9 indicated to him further proof that the knife was from Germany and made in  
 10 Germany.

11       12. Plaintiff started using the knife believing it was a knife from Germany  
 12 and made in Germany. However, as Plaintiff began to use the knife, he realized it  
 13 was not of the represented high quality. Soon after he received it, the blade began to  
 14 rust and the edge began to dull and the knife needed frequent sharpening

15       13. In or around September 2012, Plaintiff came across a news article on  
 16 the internet about a lawsuit filed by a German trade association against HSN and  
 17 others alleging that Emeril™ brand knives sold by HSN violated a trade mark  
 18 owned by the German trade association, and that such knives were made in China  
 19 even though HSN and others represented they were made in Germany. The article  
 20 (<http://eater.com/archives/2012/09/13/emeril-lagasse-martha-stewart-sued-over-knife-line.php>) stated:

22       **Emeril Lagasse** and Martha Stewart Living Omnimedia  
 23 are being sued by a trade association for claiming their  
 24 Lagasse-branded knives were made in Solingen,  
 25 Germany, home to famous knife makers Wüsthof, J. A.  
 26 Henckels, and others. (Martha Stewart Living Omnimedia  
 27 owns Lagasse's product line.) Actually, it turns out the  
 28 Emeril 8-piece German Steel Knife Set with Block **is  
 made in China**. Oops.

27       *You can see a video of Lagasse on HSN where he and the  
 28 host both say a whole bunch of times the knives are made  
 in Germany. The Chamber of Industry and Commerce in  
 Wuppertal-Solingen-Remscheid is seeking \$2 million in*

**damages.** Also, please note TMZ's righteous headline: *Martha Stewart, Emeril Lagasse SUED For Knifing Consumers.* (Italics added; emphasis in original.)

14. It was then that Plaintiff realized he had been deceived, and that the knife he purchased from HSN was in fact not made in Germany as represented by Defendant. Defendant's misrepresentations that the Counterfeit Knives were made in Germany, were designed to and did mislead consumers into believing that the Counterfeit Knives were high quality German-made cutlery manufactured with high-grade materials by qualified workers known for excellence in craftsmanship. Many other consumers have submitted reviews and comments regarding the Counterfeit Knives on Defendant's website wherein they confirm state that Defendant advertised the Counterfeit Knives as being German-made, and wherein they state they were misled by Defendant's representations regarding the place of manufacture of the Counterfeit Knives, and that the belief that the Counterfeit Knives were made in Germany, not China, was a key factor in their decision to make the purchase, or they would not have purchased the Counterfeit Knives had they known the truth.

15. For example, on or about May 21, 2012, a consumer who purchased a Counterfeit Knife from Defendant wrote a comment on Defendant's website stating she was misled by an HSN video as follows:

**I'm disappointed in the video when Emeril stated that the Santoku knife was made in Germany.** This is the main reason I made the purchase. Come to find out it is made in China. That is terrible when a top chef lies to you on tv. Wish I would have known. Emeril cannot be trusted with what he advertises. (Emphasis added.)

Similarly, on or about March 8, 2011, another HSN customer who purchased a Counterfeit Knife posted the following comment on Defendant's website:

I received the advertised product and was not happy to find it made in China? It appears everything that HSN sells is made in China – **why are you advertising [sic] this a German made product?** (Emphasis added.)

1 On or about December 27, 2012, yet another HSN customer wrote this comment  
 2 about their purchase of a Counterfeit Knife:

3 I was shocked when we received [sic] the knives and on  
 4 them was stamped made in china. **I think it is misleading**  
 5 **the way they advertised it.** They are just a average set of  
 knives but will keep them because we like the way there  
 [sic] stored. (Emphasis added.)

6  
 7 Lastly, one more HSN customer posted this comment about their purchase of a  
 8 Counterfeit Knife on or about May 26, 2011 :

9 The handles were plastic which I could not tell from the  
 10 show in which I purchased the Emeril Cutlery with the  
 11 block. The metel [sic] may be German made but  
 12 assembled in China. **The show keyed on the word**  
**“German made” constantly and I thought “wow”**  
**what a deal now I see why . . .** plastic handles and  
 13 assembled in China. I sent the cutlery to my daughter for  
 a starter set. Sorry Emeril. (Emphasis added.)

14 Copies of these customer reviews are attached hereto as Exhibit A.

15 16. Upon information and belief, since at least 2010 and possibly earlier,  
 16 Defendant distributed, advertised, promoted, offered for sale, and sold Emeril™  
 17 brand cutlery, bearing the “SOLINGEN GERMANY” mark, that was not manufactured  
 18 in Germany, but was actually made in China, i.e. the Counterfeit Knives. Upon  
 19 information and belief, during the relevant time period, Defendant offered and sold  
 20 at least twelve different types of Counterfeit Knives, where the knives each are  
 21 branded with the signature trademark “EMERIL™” and the words “SOLINGEN  
 22 GERMANY” together on one side of the blade, and the word “CHINA” on the other  
 23 side of the blade. Upon information and belief, the Counterfeit Knives are made in  
 24 China and shipped from China to the United States either directly or indirectly.  
 25 Defendant has distributed, promoted, advertised, offered for sale, and sold the  
 26 Counterfeit Knives to the consuming public, including Plaintiff and the Class  
 27 members, in interstate commerce.

28

1       17. Notwithstanding the fact that the Counterfeit Knives are marked  
2       “SOLINGEN GERMANY” on one side of the product and “CHINA” on the other side,  
3       Defendant represented to the public that the Counterfeit Knives were certified as  
4       being made in Germany, when in fact they were made in China. Defendant falsely  
5       represented to the public that the EMERIL™ brand Counterfeit Knives are made in  
6       Germany though various means, with the misrepresentations being made in  
7       advertisements, promotions, offers, and sales occurring over the Internet, during  
8       nationally televised promotional shows, through telephone sales, and on the  
9       Counterfeit Knives themselves. Upon information and belief, celebrity chef Emeril  
10      Lagasse, acting as the agent of and on behalf of Defendant, personally has appeared  
11      on the HSN website through playable video clips, and on television in  
12      “infomercials” sponsored and produced by HSN and aired on the Home Shopping  
13      Network, to promote and sell products, including the Counterfeit Knives. In these  
14      video clips and during these infomercials, both Lagasse and the HSN personalities  
15      hosting the show along with Lagasse personally state the Counterfeit Knives were  
16      manufactured in Germany. This includes both the website video and the television  
17      “infomercial” segment watched by Plaintiff on or about July 8, 2012.

18       18. Upon information and belief, in at least one HSN video promoting the  
19      Counterfeit Knives, a female HSN host reads the words “Solingen Germany” from  
20      a knife and then comments on the “unbelievable” quality of such knives. In another  
21      such video, Emeril Lagasse, acting as the agent and on behalf of Defendant, claims  
22      the Emeril™ brand knives are the “real stuff” and not “phony,” and he talks about  
23      the “grandfather of knives in Germany” in reference to the Emeril™ brand knives  
24      he is promoting. In yet another video segment, an HSN host, possibly named Chris  
25      Kohatsu, also specifically states the Counterfeit Knives being promoted in the video  
26      are made in Germany. These programs aired on Defendant’s television channels on  
27      multiple occasions over long periods of time. For example, segments promoting  
28      the santoku knife purchased by Plaintiff aired some 59 times between September

1 2011 and July 2012, and segments promoting an 8-piece knife set aired some 52  
 2 times during the same time period. The videos also could be viewed at any time via  
 3 Defendant's website.

4 19. Upon information and belief, "Solingen" is a name representative of  
 5 the finest quality of Germany cutlery and other German products. Manufactured in  
 6 Solingen, Germany, cutlery sold under the name "Solingen" certifies that the goods  
 7 sold under that brand are of a certain origin and comply with extremely high and  
 8 specific standards of manufacture. The products made in Solingen are of a  
 9 particularly high quality with high-grade materials, made by qualified workers, and  
 10 known for excellence in craftsmanship. The products are renowned around the  
 11 world and are appreciated for their high quality. Special legislation in Germany,  
 12 referred to as the "Solingen Decree," requires that goods marked with "Solingen"  
 13 meet strict conditions regarding materials and quality of manufacture. The  
 14 Solingen Certification Mark also is federally registered with the United States  
 15 Patent and Trademark Office, having Registration No. 0987576. The SOLINGEN  
 16 Certification Mark registered on the Principal Register specifies that "[t]he mark  
 17 certifies both regional origin and also that the goods comply with statutory quality  
 18 standards relating to raw materials and methods of manufacture."

19 20. Defendant' representations, express and implied, as to quality of the  
 20 Counterfeit Knives also were false and deceptive. The Counterfeit Knives do not,  
 21 cannot, and will not perform as promised. The Counterfeit Knives actually are not  
 22 made of the high quality materials, nor made with the excellence of craftsmanship,  
 23 required of cutlery from Solingen, Germany and made in accordance with the  
 24 Solingen Decree and the federally registered "Solingen" mark. Indeed, Plaintiff's  
 25 Counterfeit Knife began to rust after only a few weeks of use and, upon information  
 26 and belief, other consumers who purchased the Counterfeit Knives also have  
 27 complained that the knives rusted easily, that the blades chipped and broke easily,  
 28 that the blades broke in half, and/or that the cutting edge quickly dulled. For

1 example, on or about May 18, 2012, an HSN customer commented about their  
2 purchase of a Counterfeit Knife:

3 The knife is very sharp at first, but it does not stay sharp  
4 for very long. Glad it came with the knife sharpener.

5 On or about May 25, 2011, another HSN customer complained about their purchase  
6 of a Counterfeit Knife:

7 The knives could have been sharper out of the box. What  
8 bothers me is: They are touted to be German steel.....yet  
9 they are made in China. It is common knowledge that  
10 China has more steel making ability than germany [sic]  
11 and the USA combined. It sounds like HSN sold us a bill  
12 of goods.

13 On or about August 11, 2012, yet another HSN customer wrote the following  
14 comment about their purchase of a Counterfeit Knife:

15 Two blades broke within a 5 month period. One blade  
16 broke in half while I was cutting a block of cheese.  
17 Another blade broke in half when I accidentally dropped  
18 it on the kitchen floor.

19 Copies of these customer reviews are attached hereto as Exhibit D.

20 21. As distributors, promoters, advertisers and vendors of the Counterfeit  
21 Knives, Defendant were in a superior position to know the actual place of  
22 manufacture of the Counterfeit Knives, the actual quality of the materials used to  
23 make the Counterfeit Knives, the actual level of craftsmanship used to make the  
24 Counterfeit Knives, and whether the Counterfeit Knives would perform as  
25 promised.

26 27. Specifically, Defendant knew or, in the exercise of reasonable  
27 diligence should have known, that the Counterfeit Knives were made China but  
28 nevertheless still promoted, advertised and represented that the Counterfeit Knives  
29 were made in Germany. Additionally, the Defendant knew or, in the exercise of  
30 reasonable diligence should have known, that the Counterfeit Knives were not  
31

1 made with the same quality of materials or craftsmanship required by the Solingen  
2 Decree and the federally registered “Solingen” mark, and associated with German-  
3 made cutlery.

4       23. The Counterfeit Knives include, without limitation, the following  
5 products: Emeril On the Go knives/tongs set (item no. 150465); Emeril 8-piece  
6 knife set (item no. 150551); Emeril cutlery set with bamboo board (item no.  
7 151868); Emeril 4-piece steakhouse knife set (item no. 152218); Emeril santoku  
8 knife with sharpener (item no. 152241); Emeril 3-piece santoku block set (item no.  
9 152310); Emeril knife and cutting board set (item no. unknown); Emeril 3-piece  
10 chef's knife/santoku knife/paring knife set (item no. unknown); Emeril 3-piece  
11 boxed santoku set (item no. unknown); Emeril 2-piece santoku/paring knife set  
12 (item no. unknown); Emeril 5-piece boxed knife set (item no. unknown); and  
13 Emeril 3-piece knife, carving fork and kitchen shears set (item no. unknown).  
14 Defendant made "made in Germany" misrepresentations with respect to all of these  
15 products during the relevant time, and made such misrepresentations via the  
16 internet, television programming, and phone sales, as alleged herein.

17       24. Ultimately, in early 2014, news articles appeared on the internet  
18 confirming the Counterfeit Knives were not made in Germany as had been  
19 represented to Plaintiff and the consuming public by Defendant. For instance, in  
20 the article found at (<http://finance.yahoo.com/news/stewart-lagasse-wont-sell-solingen-191642146.html>), Martha Stewart Living Omnimedia, Inc., the owner of  
21 the Emeril™ brand, admitted that neither the Counterfeit Knives, nor the steel used  
22 in the Counterfeit Knives, were made in Germany:  
23

24 A federal court says Martha Stewart, Emeril Lagasse and  
25 the Home Shopping Network have agreed to stop using  
the name of the city of Solingen, Germany, to sell knives.

\* \* \*

27 The knives that Stewart and Lagasse were selling are  
28 made in China. They were sold online and on the  
Home Shopping Network, which is owned by HSN Inc.

\* \* \*

Martha Stewart Living Omnimedia Inc. said that it licensed the knives and did not know about the certification mark before the lawsuit was filed.

'We were led to believe that the Emeril brand knives of our licensee, SED International, were made with steel from Solingen, Germany,' the company said in a statement Tuesday. "At that time, our licensee worked with the manufacturer to immediately remove the knives from the marketplace. Martha Stewart, Emeril Lagasse and their respective companies did not contribute any financial amount toward this settlement.' (Emphasis added.)

10 25. Plaintiff and the class members relied upon Defendant's  
11 misrepresentations and would not have paid as much, if at all, for the Counterfeit  
12 Knives but for Defendant's misrepresentations and/or omissions.

## **CLASS ALLEGATIONS**

14       26. Class Definition. Plaintiff seeks to bring this lawsuit as a class action  
15 pursuant to Federal Rule of Civil Procedure 23. The class that Plaintiff seeks to  
16 represent is defined as follows: "All consumers in the United States who purchased  
17 from Defendant an Emeril™ brand knife (or knives) that was represented by  
18 Defendant as having been manufactured in Germany but that in fact was  
19 manufactured in China, at any time during the period commencing on the date that  
20 is four years preceding the filing of the complaint (the "National Class")."

21       27. Plaintiff also seeks to represent a class defined as follows: "All  
22 consumers in the State of California who purchased from Defendant an Emeril™  
23 brand knife (or knives) that was represented by Defendant as having been  
24 manufactured in Germany but that in fact was manufactured in China, at any time  
25 during the period commencing on the date that is four years preceding the filing of  
26 the complaint (the "California Class")."

27       28. Ascertainable Class. The proposed class is ascertainable in that class  
28 members can be identified and located using information contained in Defendant's

1 business records.

2 29. Common Questions of Fact or Law. This lawsuit is suitable for class  
 3 treatment because common questions of fact and law predominate over individual  
 4 issues. Common questions include, but are not limited to, the following: (1) whether  
 5 Defendant's representations as to the place of manufacture of the  
 6 Counterfeit Knives were false; (2) whether Defendant knew that its representations  
 7 as to the place of manufacture of the Counterfeit Knives were false; (3) whether  
 8 Defendant's representations, actual or implied, as to the quality of the Counterfeit  
 9 Knives were false; (4) whether Defendant knew its representations, actual or  
 10 implied, as to the quality of the Counterfeit Knives were false; (5) whether  
 11 Defendant's conduct constitutes an unfair, unlawful and/or fraudulent business  
 12 practice in violation of California's false advertising law (Cal. Bus. & Prof. Code  
 13 sections 17500, et seq.); (6) whether Defendant's conduct constitutes an unfair,  
 14 unlawful and/or fraudulent business practice in violation of California's unfair  
 15 competition law (Cal. Bus. & Prof. Code sections 17200, et seq.); (7) whether  
 16 Defendant's conduct constitutes a violation of California's Consumer Legal  
 17 Remedies Act (Cal. Civil Code sections 1750, et seq.); (8) whether Defendant's  
 18 conduct constitutes a breach of contract; (9) whether Defendant's conduct  
 19 constitutes a violation of the Florida Deceptive And Unfair Trade Practices Act,  
 20 (Fla. Stat. section 501.201, et seq.); (10) whether Plaintiff and the class members  
 21 are entitled to compensatory damages and, if so, the nature of such damages; and  
 22 (11) whether Plaintiff and the class members are entitled to restitution.

23 30. Numerosity. The plaintiff class is so numerous that the individual  
 24 joinder of all members is impractical under the circumstances of this case. While  
 25 the exact number of class members is unknown to Plaintiff at this time, Plaintiff  
 26 alleges that the total number of Class members in each class exceeds 100 and likely  
 27 consists of thousands of members. The number of Class members can be readily  
 28 determined by review of Defendant' business records.

1       31. Typically and Adequate Representation. Plaintiff's claims are typical  
2 of the claims of the class members. Plaintiff suffered a similar injury as the other  
3 class members as a result of Defendant's common actions in misrepresenting the  
4 place of manufacture of the knives purchased by Plaintiff and the class members  
5 and further misrepresenting the quality of the knives purchased by Plaintiff and the  
6 class members. In addition, Plaintiff will fairly and adequately protect the interests  
7 of the members of the class. Plaintiff has no interests that are adverse to the  
8 interests of the other class members.

9       32. Superiority. A class action is superior to other available means for the  
10      fair and efficient adjudication of this controversy since individual joinder of all  
11      members of the class is impractical. Class action treatment will permit a large  
12      number of similarly situated persons to prosecute their common claims in a single  
13      forum simultaneously, efficiently, and without the unnecessary duplication of effort  
14      and expense that numerous individual actions would engender. Furthermore, as the  
15      damages suffered by each individual member of the class may be relatively small,  
16      the expenses and burden of individual litigation would make it difficult or  
17      impossible for individual members of the class to redress the wrongs done to them,  
18      while an important public interest will be served by addressing the manner as a  
19      class action. The cost to the court system of adjudication of such individualized  
20      litigation would be substantial. Individualized litigation would also present the  
21      potential for inconsistent or contradictory judgments.

## CLAIMS FOR RELIEF

**FIRST CAUSE OF ACTION**

## VIOLATION OF CALIFORNIA'S FALSE ADVERTISING LAW

(CAL. BUS. & PROF. CODE SECTIONS 17500, et seq.)

(On behalf of the California Class)

27       33. Plaintiff incorporates by this reference the allegations contained in  
28 paragraphs above as though fully set forth herein.

1           34. Plaintiff has standing to pursue this cause of action because Plaintiff  
 2 suffered injury in fact and lost money as a result of Defendant's actions as set forth  
 3 herein. Plaintiff and the other Class members suffered injury in fact and lost money  
 4 as a result of purchasing the falsely advertised Counterfeit Knives and Defendant's  
 5 unlawful, unfair, and fraudulent practices.

6           35. Defendant engaged in false advertising as they disseminated false  
 7 and/or misleading advertising, marketing and promotional representations about the  
 8 Counterfeit Knives including, *inter alia*, false representations as to their place of  
 9 manufacture, their quality of materials and manufacture, and their superior  
 10 performance.

11           36. Defendant knew or, in the exercise of reasonable care, should have  
 12 known its representations regarding the Counterfeit Knives were false and/or  
 13 misleading. During the Class Period, Defendant engaged in false advertising in  
 14 violation of Cal. Bus. & Prof. Code sections 17500, et seq., by misrepresenting in  
 15 their labeling, advertising and marketing to Plaintiff and the Class and the  
 16 consuming public that the Counterfeit Knives were manufactured in Germany, were  
 17 of the high quality materials and craftsmanship expected of German-made cutlery,  
 18 and would perform as such.

19           37. By disseminating and publishing these statements in connection with  
 20 the sale of the Counterfeit Knives, Defendant engaged in false advertising in  
 21 violation of Cal. Bus. & Prof. Code sections 17500, et seq.

22           38. As a direct and proximate result of Defendant's conduct as set forth  
 23 herein, Defendant has received ill-gotten gains and/or profits, including but not  
 24 limited to money. Therefore, Defendant has been unjustly enriched. Pursuant to  
 25 Cal. Bus. & Prof. Code section 17535, Plaintiff requests restitution and  
 26 restitutionary disgorgement for all sums obtained by Defendant in violation of Cal.  
 27 Bus. & Prof. Code Sections 17500, et seq. Plaintiff seeks restitution, and  
 28 restitutionary disgorgement of Defendant's ill-gotten gains as specifically provided

1 in Cal. Bus. & Prof. Code Section 17535, along with prejudgment interest, costs,  
 2 and attorney's fees as permitted by law.

3 **SECOND CAUSE OF ACTION**

4 **VIOLATION OF CALIFORNIA'S UNFAIR COMPETITION LAW**

5 **(CAL. BUS. & PROF. CODE SECTIONS 17200, et seq.)**

6 (On behalf of the California Class)

7 39. Plaintiff incorporates by this reference the allegations contained in  
 8 paragraphs above as though fully set forth herein.

9 40. Plaintiff has standing to pursue this cause of action because Plaintiff  
 10 has suffered injury in fact and has lost money as a result of Defendant's actions as  
 11 set forth herein. Specifically, Plaintiff purchased a Counterfeit Knife in reliance  
 12 upon Defendant's representations as to its place of manufacture, its quality of  
 13 materials and manufacture, and its superior performance. Plaintiff and the Class  
 14 members have suffered injury in fact and lost money as a result of purchasing the  
 15 falsely advertised Counterfeit Knives and Defendant's unlawful, unfair, and  
 16 fraudulent practices.

17 41. Defendant's actions as alleged herein constitute unfair and/or  
 18 deceptive business practices with the meaning of Cal. Bus. & Prof. Code Sections  
 19 17200, et seq., the California Unfair Competition Law (hereafter "UCL"), in that  
 20 Defendant's actions as alleged herein are unfair, unlawful, and fraudulent, and  
 21 because Defendant has made unfair, deceptive, untrue, and/or misleading  
 22 statements in advertising media, including the Internet, within the meaning of the  
 23 UCL.

24 42. Defendant knew or, in the exercise of reasonable care, should have  
 25 known that its representations and omissions were false and/or misleading. During  
 26 the Class Period, Defendant engaged in unfair, unlawful and/or deceptive business  
 27 practices by misrepresenting in their labeling, advertising and marketing to Plaintiff  
 28 and the Class and the consuming public that the Counterfeit Knives were

1 manufactured in Germany, were of the high quality materials and craftsmanship  
 2 expected of German-made cutlery, and would perform as such.

3       43. As a result of its deception, Defendant has been able to reap unjust  
 4 revenue and profit.

5       44. Defendant's business practices, as alleged herein, are "unfair" because  
 6 they offend established public policy and/or are immoral, unethical, oppressive,  
 7 unscrupulous, and/or substantially injurious to consumers in that consumers are  
 8 misled by the claims made with respect to the Counterfeit Knives as set forth  
 9 herein. Plaintiff alleges violations of California's consumer protection and unfair  
 10 competition laws resulting in harm to consumers. Plaintiff also asserts violations of  
 11 public policies against engaging in unfair competition, and deceptive conduct  
 12 towards consumers. There were reasonably available alternatives to further  
 13 Defendant's legitimate business interests other than Defendant's wrongful conduct  
 14 described herein.

15       45. Defendant's above-described wrongful acts and practices also  
 16 constitute "unlawful" business acts and practices in violation of California's fraud  
 17 and deceit statutes, Cal. Civil Code Sections 1572-73, 1709 and 1711, Cal. Bus. &  
 18 Prof. Code Sections 17200, et seq., and 17500, et seq., and the common law,  
 19 including breach of express warranty. Plaintiff and the Class members reserve the  
 20 right to allege other violations of law committed by Defendant constituting  
 21 unlawful business acts or practices in violation of Cal. Bus. & Prof. Code sections  
 22 17200, et seq.

23       46. Defendant's business practices alleged herein constitute "fraudulent  
 24 business acts or practices" because, *inter alia*, their representations and omissions of  
 25 material facts were likely to, and did, deceive consumers including Plaintiff and the  
 26 Class members into believing that the Counterfeit Knives have characteristics,  
 27 materials, and benefits they do not have.

28       //

47. Defendant's wrongful business practices constituted a continuing course of conduct of unfair competition since Defendant promoted, advertised and sold the Counterfeit Knives in a manner likely to deceive the public.

48. As a direct and proximate result of Defendant's wrongful business practices in violation of Cal. Bus. & Prof. Code Sections 17200, et seq., Plaintiff and the Class Members suffered economic injury by losing money as a result of purchasing the Counterfeit Knives. Plaintiff and the Class members would not have purchased the Counterfeit Knives, or would have paid less for them, had they known the Counterfeit Knives were not as represented.

49. Pursuant to Cal. Bus. & Prof. Code Section 17203, Plaintiff and the Class seek an order requiring Defendant to make full restitution of all moneys wrongfully obtained from Plaintiff and the Class, as well as prejudgment interest, costs and attorney's fees as permitted by law.

### **THIRD CAUSE OF ACTION**

**VIOLATION OF CALIFORNIA'S CONSUMERS LEGAL REMEDIES ACT  
(CAL. CIV. CODE SECTIONS 1750, et seq.)**

(On behalf of the California Class)

50. Plaintiff incorporates by this reference the allegations contained in paragraphs above as though fully set forth herein.

51. Plaintiff has standing to pursue this cause of action because Plaintiff has suffered injury in fact and has lost money as a result of Defendant's actions as set forth herein. Specifically, Plaintiff and the Class purchased Counterfeit Knives in reliance upon Defendant's representations as to their place of manufacture, their quality of materials and manufacture, and their superior performance.

52. Defendant engaged in business practices in violation of California Civil Code Sections 1750, et seq., the California Consumers Legal Remedies Act (hereafter the “CLRA”) by making false representations as to the Counterfeit Knives’ place of manufacture, their quality of materials and manufacture, and their

1 superior performance.

2       53. Defendant engaged in deceptive acts or practices intended to result in  
3 the sale of Counterfeit Knives in violation of Cal. Civil Code Section 1770. As  
4 described herein, Defendant knew or should have known that the  
5 misrepresentations of fact concerning the place of manufacture, quality of  
6 manufacture, and performance of the Counterfeit Knives were material and likely to  
7 mislead the public, and that the omissions were of material fact Defendant was  
8 obligated to disclose. Defendant affirmatively misrepresented that the Counterfeit  
9 Knives were manufactured in Germany and not China, and made further affirmative  
10 and implied representations that the Counterfeit Knives had quality and  
11 performance they do not have.

12       54. Defendant's conduct as alleged herein violated the CLRA including,  
13 but not limited to, the following provisions: (1) misrepresenting the source,  
14 sponsorship, approval, or certification of goods or services in violation of Cal. Civil  
15 Code Section 1770(a)(2); (2) using deceptive representations or designations of  
16 geographic origin in connection with goods or services in violation of Cal. Civil  
17 Code Section 1770(a)(4); (3) representing that goods or services have sponsorship,  
18 approval, characteristics, ingredients, uses, benefits, or quantities they do not have  
19 in violation of Cal. Civil Code Section 1770(a)(5); (4) representing that goods or  
20 services are of a particular standard, quality, or grade . . . if they are of another in  
21 violation of Cal. Civil Code Section 1770(a)(7); (5) advertising goods or services  
22 with the intent not to sell them as advertised in violation of Cal. Civil Code Section  
23 1770(a)(9); and (6) representing that the subject of a transaction has been supplied  
24 in accordance with a previous representation when it has not in violation of Cal.  
25 Civil Code Section 1770(a)(16). As a direct and proximate result of Defendant's  
26 conduct, as set forth herein, Defendant has received ill-gotten gains and/or profits  
27 including, but not limited to, money. Therefore, Defendant have been unjustly  
28 enriched.

55. On behalf of the Plaintiff and all others similarly situated, Plaintiff's counsel mailed to all Defendant, via certified mail, return receipt requested, the written notice of the violations set forth herein as required by Cal. Civil Code Section 1782(a). A copy of these letters are attached hereto as Exhibit B.

56. Defendant has failed to provide complete and appropriate relief to Plaintiff and all others similarly situated members of the California Class for Defendant's violations of the CLRA. Accordingly, pursuant to Cal. Civ. Code Section 1780, Plaintiff and the California Class are entitled to recover actual damages, punitive damages, costs of litigation, attorney's fees, and such other relief as the court deems proper.

57. The declaration of venue required by Cal. Civil Code Section 1780(d) is filed herewith and is attached hereto as Exhibit C.

#### **FOURTH CAUSE OF ACTION**

## BREACH OF CONTRACT

(On behalf of the California and National Classes)

58. Plaintiff incorporates by this reference the allegations contained in paragraphs above as though fully set forth herein.

59. Plaintiff and members of both classes had a valid contract, supported by sufficient consideration, pursuant to which Defendant was obligated to provide kitchen knives and/or knife sets, which were, in fact, made in Germany as represented by Defendant.

60. Defendant materially breached its contract with Plaintiff and members of both classes by providing the Counterfeit Knives which were not made in Germany but instead were made in China.

61. As a result of Defendant's breach, Plaintiff and members of both classes were damaged in that they received a product with less value than the amount paid. Moreover, Plaintiff and members of both classes have suffered and continue to suffer economic losses and other general and specific damages,

1 including but not limited to the amounts paid for the Counterfeit Knives, and any  
 2 interest that would have accrued on those monies, all in an amount to be proven at  
 3 trial.

4 **FIFTH CAUSE OF ACTION**

5 **FRAUD**

6 (On behalf of the California and National Classes)

7 62. Plaintiff incorporates by this reference the allegations contained in  
 8 paragraphs above as though fully set forth herein.

9 63. Defendant willfully, falsely, and knowingly misrepresented material  
 10 facts relating to the character and quality of the Counterfeit Products. These  
 11 misrepresentations are contained in various media advertising disseminated or  
 12 caused to be disseminated by Defendant, and such misrepresentations were  
 13 reiterated and disseminated by officers, agents, representatives, servants, or  
 14 employees of Defendant, acting within the scope of their authority, and employed  
 15 by Defendant to merchandise and market the Counterfeit Knives.

16 64. Defendant's misrepresentations were the type of misrepresentations  
 17 that are material (i.e. the type of misrepresentations to which a reasonable person  
 18 would attach importance and would be induced to act thereon in making purchase  
 19 decisions).

20 65. Defendant knew that the misrepresentations alleged herein were false  
 21 at the time it made them and/or acted recklessly in making such misrepresentations.

22 66. Defendant intended that Plaintiff and members of both classes rely on  
 23 the misrepresentations alleged herein and purchase the Counterfeit Knives.

24 67. Plaintiff and members of both classes reasonably and justifiably relied  
 25 on Defendant's misrepresentations when purchasing the Counterfeit Products, were  
 26 unaware of the existence of facts that Defendant suppressed and failed to disclose,  
 27 and, had the facts been known, would not have purchased the Counterfeit Knives  
 28 and/or purchased them at the prices at which they were offered.

68. As a direct and proximate result of Defendant's wrongful conduct, Plaintiff and members of both classes have suffered and continue to suffer economic losses and other general and specific damages, including, but not necessarily limited to, the monies paid to Defendant, and any interest that would have accrued on those monies, all in an amount to be proven at trial.

69. Moreover, in that, at all times herein mentioned, Defendant intended to cause or acted with reckless disregard of the probability of causing damage to Plaintiff and members of both classes, and because Defendant was guilty of oppressive, fraudulent and/or malicious conduct, Plaintiff and members of both classes are entitled to an award of exemplary or punitive damages against Defendant in an amount adequate to deter such conduct in the future.

## **SIXTH CAUSE OF ACTION**

## NEGLIGENCE MISREPRESENTATION

(On behalf of the California and National Classes)

70. Plaintiff incorporates by this reference the allegations contained in paragraphs above as though fully set forth herein.

71. Defendant, directly or through its agents and employees, made false representations to Plaintiff and members of both classes.

72. Defendant owed a duty to Plaintiff and members of both classes to disclose the material facts set forth above about the Counterfeit Knives.

73. In making the representations, and in doing the acts alleged above, Defendant acted without any reasonable grounds for believing the representations were true, and intended by said representations to induce the reliance of Plaintiff and members of both classes.

74. Plaintiff and members of both classes reasonably and justifiably relied on Defendant's misrepresentations when purchasing the Counterfeit Knives, were unaware of the existence of facts that Defendant suppressed and failed to disclose and, had the facts been known, would not have purchased the Counterfeit Knives

and/or purchased them at the price at which they were offered.

75. As a direct and proximate result of these misrepresentations, Plaintiff and members of both classes have suffered and continue to suffer economic losses and other general and specific damages, including but not limited to the amounts paid for the Counterfeit Knives, and any interest that would have accrued on those monies, all in an amount to be proven at trial.

## **SEVENTH CAUSE OF ACTION**

**VIOLATION OF FLORIDA DECEPTIVE AND UNFAIR  
TRADE PRACTICES ACT**

(Fla. Stat. sections 501.201, et seq.)

(On behalf of the National Class)

76. Plaintiff incorporates by this reference the allegations contained in paragraphs above as though fully set forth herein.

77. This cause of action is brought pursuant to the Florida Deceptive and Unfair Trade Practices Act, Fla. Stat. sections 501.201, *et seq.* (“FDUTPA”). The express purpose of FDUTPA is to “protect the consuming public...from those who engage in unfair methods of competition, or unconscionable, deceptive, or unfair acts or practices in the conduct of any trade or commerce.” Fla. Stat. section 501.202(2).

78. Plaintiff and Class members are “consumers” within the meaning of Fla. Stat. section 501.203(7).

79. Defendant was engaged in "trade or commerce" as defined by Fla. Stat. section 501.203(8).

80. The sale of the Counterfeit Knives constituted "consumer transactions" within the scope of the Fla. Stat. sections 501.201 to 501.213.

81. Fla. Stat. sections 501.204(1) declares unlawful “unfair methods of competition, unconscionable acts or practices, and unfair or deceptive acts or practices in the conduct of any trade or commerce.”

1       82. Defendant's unfair and deceptive practices were likely to mislead –  
 2 and did mislead – the consumer acting reasonably in the circumstances, and  
 3 violated the FDUTPA.

4       83. Defendant has violated the FDUTPA by engaging in the unfair and  
 5 deceptive practices as described herein which offend public policies and are  
 6 immoral, unethical, unscrupulous, and substantially injurious to consumers, by  
 7 making the misrepresentations described herein, when in fact, they were false and  
 8 misleading to reasonable consumers, and by engaging in the trade or commerce of  
 9 the Counterfeit Knives after representing to the consuming public that the knives  
 10 were made in Germany when in fact they were made in China.

11       84. Plaintiff purchased a Counterfeit Knife directly from Defendant for  
 12 \$21.44 on or about July 8, 2012.

13       85. Plaintiff made this purchase after watching Defendant's agents,  
 14 including but not limited to Emeril Lagasse, represent during a television broadcast  
 15 and a downloadable video segment, that the knife purchased by Plaintiff was made  
 16 in Germany. Plaintiff purchased the knife in reliance on the claim that it was made  
 17 in Germany and of the high quality associated with German-made cutlery.

18       86. Plaintiff relied on the misrepresentations described herein when  
 19 deciding to purchase a Counterfeit Knife, and the misrepresentations were part of  
 20 the basis of the bargain, in that he would not have purchased the Counterfeit Knife  
 21 if he had known that the misrepresentations were false.

22       87. Plaintiff and the National Class have been aggrieved by Defendant's  
 23 unfair and deceptive practices in that they paid for the Counterfeit Knives, which  
 24 they would not have purchased had they known the true facts.

25       88. The damages suffered by Plaintiff and the National Class were directly  
 26 and proximately caused by the deceptive, misleading, and unfair practices of  
 27 Defendant.

28       89. Pursuant to Fla. Stat. section 501.211, Plaintiff and the National Class

1 are entitled to restitution and disgorgement from Defendant for the wrongful  
2 conduct alleged herein, as well as attorneys' fees and costs, all in amounts to be  
3 proved at trial.

4 **PRAYER FOR RELIEF**

5 WHEREFORE, Plaintiff and the Class members request that the Court enter  
6 an order or judgment against Defendant as follows:

7 1. For an Order certifying the Classes, appointing Plaintiff and his  
8 counsel to represent the Classes, and for notice to the Classes to be paid for by  
9 Defendant;

10 2. For damages suffered by Plaintiff and the Class members;

11 3. For restitution to Plaintiff and the Class members of all monies  
12 wrongfully obtained by Defendant;

13 4. For an award of punitive and/or exemplary damages to Plaintiff and  
14 the Class members;

15 5. For both prejudgment and postjudgment interest at the maximum rate  
16 permitted by law on any amounts awarded;

17 6. For costs of suit;

18 7. For reasonable attorney's fees as allowed by law; and

19 8. For such other and further relief as the Court may deem just and  
20 proper.

21 **DEMAND FOR JURY TRIAL**

22 Plaintiff hereby demands a trial by jury of all claims and causes of action so  
23 triable.

24 Dated: July 21, 2014

**LAW OFFICES OF FARRAH MIRABEL**

26 s/ Farrah Mirabel

27 Farrah Mirabel  
28 Attorneys for Plaintiff ALLEN MOSHIRI

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# **Exhibit A**

**To First Amended Complaint**

or



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Cutlery  
Santoku Knives



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Emeril Manual Knife Sharpener with 5" Santoku Knife Item: 152-241

HSN Price: \$19.99

Retail Value: \$35.99

Shipping & Handling: \$4.95

★★★★★  
4.6  
(192 Reviews)

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CUSTOMER REVIEWS

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Emeril Manual Knife Sharpener with 5" Santoku Knife Reviews

★★★★★  
Average Customer Rating:  
4.6

Sort reviews by:  
Date - Newest First

Misled Information on video... dab21222, FL  
★★★★★ 5/21/2012

I'm disappointed in the video when Emeril stated that the Santoku knife was made in Germany. This is the main reason I made the purchase. Come to find out it is made in China. That is terrible when a top chef lies to you on tv. Wish I would have known. Emeril cannot be trusted with what he advertises.

2 of 4 found this review helpful!

Was this review helpful to you? Yes | No

Report if Inappropriate

Share this review:

Description

Emeril Manual Knife Sharpener with 5" Santoku Knife

Slice through salmon and squash with ease. This sharpener keeps your cutlery in prime cutting condition so you never have to worry about dull blades. It features a suction pad that holds it securely in place on your countertop. You also get a beautiful and versatile santoku knife that'll have you mincing, chopping and chiffonading with style.

What You Get

Emeril Manual Knife Sharpener with 5" Santoku Knife Features

Specs

Use & Care

Notes

For warranty information, please call HSN.com Customer Service at 800.933.2887 (8 am-1 pm ET).

amazing... fito2daddy, GA ★★★★★ 5/19/2012

This knife does exactly what Emeril said it would do! I just love it!

2 of 2 found this review helpful!

Was this review helpful to you? Yes | No

Report if Inappropriate

Share this review:

ABOUT EMERIL LAGASSE



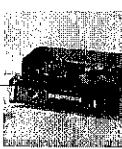
Excellent Choice... ATricia644, MO ★★★★★  
5/18/2012

[See All Emeril ▶](#)

More Choices



Emeril by T-Fal®  
Nonstick-Individual  
Pie and Cake Maker  
HSN Price: \$49.90



Emeril XL 1700-Watt Electric Grill by  
T-fal®  
HSN Price:  
\$199.90



Emeril 3-piece  
German Steel  
Forged Knife Set  
with Bamboo  
Cutting Board  
HSN Price: \$49.99



Top Chef 7 inch  
Santoku Knife  
HSN Price: \$24.90

Choice to try was based on suction. Works well, & the sharpener is excellent. Even sharpened husband's coupon cutter. Knife fits in with formerly purchased block of Emeril knives. Good size for smaller uses in chopping or cutting sandwiches. Sharpener size works well in smaller kitchen.

2 of 2 found this review helpful

Was this review helpful to you? Yes | No

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#### WHEN TO WATCH

Get an email alert when Emeril Lagasse products will be on TV.

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ok... lily249, PA ★★★★☆ 5/18/2012

THE KNIFE IS VERY SHARP AT FIRST, BUT IT DOES NOT STAY SHARP FOR VERY LONG. GLAD IT CAME WITH THE KNIFE SHARPENER.

2 of 3 found this review helpful

Was this review helpful to you? Yes | No

[Report if Inappropriate](#)

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ouch... warmwind, AL ★★★★☆ 5/18/2012

cut myself with knife,odd shape good knife

1 of 1 found this review helpful

Was this review helpful to you? Yes | No

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Wolfgang Puck Bistro Elite Stockpot with Lid

Price: \$39.90



Wolfgang Puck Chef's Series 6pc Steel Cutlery Set with Block

HSN Price: \$39.90



Wolfgang Puck Bistro Elite Stainless Steel Food Mill

HSN Price: \$39.90  
Event Price: \$29.95



Emeril 8-piece German Steel Knife Set with Block

HSN Price: \$69.99

12% bought this item

12% bought this item

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Emeril Manual Knife Sharpener with 5" Santoku Knife

HSN Price: \$19.99



Emeril 3-piece German Steel Forged Knife Set with Bamboo Cutting Board

HSN Price: \$49.99



Emeril 8-piece German Steel Knife Set with Block

HSN Price: \$69.99



Emerilware Hard Anodized 13-piece Cook Set

HSN Price: \$269.99

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HSN Price: \$49.95



Emeril 4-piece Knife Set with 5-piece Cutting Board and Mat Set

HSN Price: \$49.99



Kitchen Logic 7-piece Ceramic Knife Set

HSN Price: \$49.90

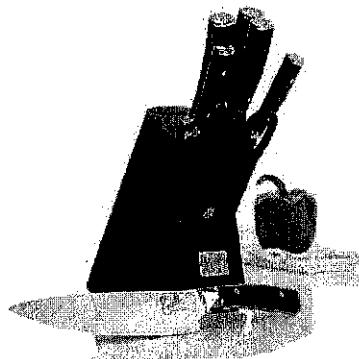
Sale Price: \$34.95

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**SOLD OUT** Item is currently out of stock

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**Emeril 8-piece German Steel Knife Set with Block** Item: 106-301

HSN Price: \$69.99

or 2 payments of \$34.99  
Shipping & Handling: \$10.95

★★★★★  
4.0  
(60 Reviews)

[Date](#) Like 1 0

**Description**

**Emeril 8-piece German Steel Knife Set with Block**

Stop settling for second-rate knives and kick your kitchen cutlery up a notch. This set features 8 versatile knives and a set of kitchen shears that can tackle almost any cutting job a home chef can serve up. They come in a handsome block with each knife's slot clearly labeled, so there's no confusion when returning them after use.

**What You Get**

**Emeril 8-piece German Steel Knife Set with Block Features**

Roll on to Zoom

Play Video

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**CUSTOMER REVIEWS**

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Emeril 8-piece German Steel Knife Set with Block  
Reviews

★★★★★  
Average Customer Rating:  
4.0

Sort reviews by:

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better than the other chef's brand... babyglo, CA  
★★★★★ 3/15/2011

I really love this brand very sharp and have to be very careful only rated 4 stars cause my paring knife has a small rust already and I'm very careful with it hand washed the knives and dry before I put it in the block

0 of 1 found this review helpful

**Specs**

**Use & Care**

**Notes**

For warranty information, please call HSN.com Customer Service at 800.933.2887 (8 am-1 am ET).

Was this review helpful to you? Yes | No

Report if Inappropriate

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#### ABOUT EMERIL LAGASSE

Love These Knives... TrishnAbby, NV ★★★★★  
3/14/2011

I really love these knives, they are sharp and very easy to use. Would highly recommend this product.

Was this review helpful to you? Yes | No

Report if Inappropriate

Share this review:



What do you get when you combine the spice of legendary chefs with the expertise of culinary industry leaders? You get a recipe for gourmet cooking success. From the kitchen to the table, Emeril's designs are sure to bring style and quality to every meal.

#### WHEN TO WATCH

Emeril Rules!!!... KrisyNY, NY ★★★★★  
3/14/2011

I love them. They are as always the best of the best.

0 of 1 found this review helpful!

Was this review helpful to you? Yes | No

Get an email alert when Emeril Lagasse products will be on TV.

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Share this review:

I can't live without it... cookie246, CA ★★★★★

3/10/2011

I'm so in love with these knives. And Emeril keep up the good work.

Was this review helpful to you? Yes | No

Report if Inappropriate

Share this review:

Emeril 8-piece German Steel Knife Set with Block... Jazzie56, IL ★★★★★ 3/8/2011

I received the advertised product and was not happy to find it made in China? It appears everything that HSN sells is made in China - why are you advertising this a German made product?

6 of 6 found this review helpful!

Was this review helpful to you? Yes | No

Report if Inappropriate

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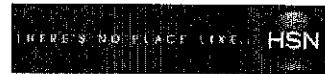
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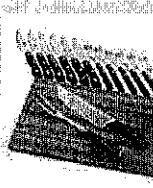


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[Log In](#)**FREE SHIPPING** On all Beauty Bioscience all October long - including RetinoSyn 45! [shop now ▶](#)[HSN Shopping](#)[Kitchen & Food](#)[Emeril](#)[Cutlery](#)[Knife Sets](#)**You might like these "Knife Sets"****Related Searches**[shop Knife Sets](#)[shop Cutlery](#)[shop Emeril](#)[shop All Kitchen & Food](#)**Wolfgang Puck Chef's Series 8pc Steel Cutlery Set with Block**

HSN Price: \$39.90

**Tramontina Churrasco Steakhouse 15-piece Barbecue Set**

HSN Price: \$129.90

Clearance Price: \$49.95

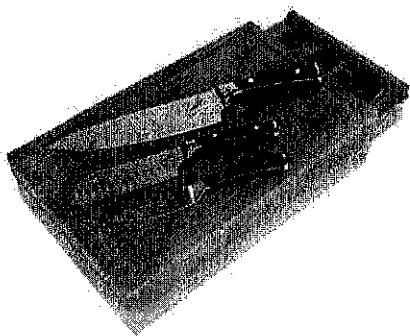
**Wolfgang Puck Bistro Elite 6-piece Cutlery Set**

HSN Price: \$49.95

2 payments of \$24.97

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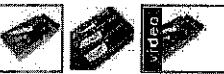
[learn more ▶](#)**SOLD OUT** Item is currently out of stock[see more results for "Knife Sets" ▶](#)**CUSTOMER PICK****Emeril 3-piece German Steel Forged Knife Set with Bamboo Cutting Board** Item: 151-868**HSN Price: \$49.99**

or 2 payments of \$24.99

Retail Value: \$79.88



Shipping &amp; Handling: \$6.95

**4.5**[\(438 Reviews\)](#)[Roll on to Zoom](#)[Play Video](#)[View Larger](#)**CUSTOMER REVIEWS**[Write a Review ▶](#)**Emeril 3-piece German Steel Forged Knife Set with Bamboo Cutting Board Reviews****★★★★★**  
Average Customer Rating:

4.5

**Sort reviews by:**

Date - Oldest First

**Misleading... ron60, IL** **★★★★★** 1/27/2012

I was shocked when we received the knives and on them was stamped made in china. I think it is misleading the way they advertised it. They are just a average set of knives but will keep them.

**Description****Emeril 3-piece German Steel Forged Knife Set with Bamboo Cutting Board**

Enjoy versatility, durability and slice-and-stow convenience. Three versatile knife styles handle numerous kitchen cutting, dicing and chopping duties. German steel, full-tang blades deliver sharp results with a balanced, comfortable feel. The durable bamboo cutting board doubles as a built-in magnetic knife drawer.

**What You Get****Emeril 3-piece German Steel Forged Knife Set with Bamboo Cutting Board Features****Specs****Use & Care**[See All Emeril ▶](#)

Customers Who Bought This Also Bought...



**Highgate Manor Marbella 100% Cotton Sheet Set**  
From: \$21.95 - \$54.95



**Lexmark Tri-Color 150XL Ink 3 pack with Recipe Manager Software**  
HSN Price: \$69.95



**Lexmark 155XL Black Ink 2-pack and Recipe**

because we like the way they stored.

1 of 1 found this review helpful!

Was this review helpful to you? Yes | No

[Report if inappropriate](#)

Share this review:



**Great knives... dettigersfan, MI** ★★★★★

1/27/2012

We're very happy with these knives. They are comfortable to hold and cut smoothly. We love having the case also!

1 of 1 found this review helpful!

Was this review helpful to you? Yes | No

[Report if inappropriate](#)

Share this review:



**Great Knives!!!... petunia47, OR** ★★★★★

1/27/2012

I bought these for my husband as a Christmas gift. He absolutely loves them. He does a lot of prepping in the kitchen and always reminds me of how much he loves them. Wish I would have bought more sets to give to my daughters. I hope they'll be on again soon!!! Thanks Emeril!!!!

1 of 1 found this review helpful!

Was this review helpful to you? Yes | No

[Report if inappropriate](#)

Share this review:



**Dr Wade... DrWade, PA** ★★★★★ 1/27/2012

wonderful its on the counter but i can take it to the grill and or when i assist with friends cooking love it!

1 of 1 found this review helpful!

Was this review helpful to you? Yes | No

[Report if inappropriate](#)

Share this review:



**Very nice Presentation... susp, UT** ★★★★★

1/27/2012

These are very nice knives, and they make a wonderful gift presentation.

1 of 1 found this review helpful!

Was this review helpful to you? Yes | No

[Report if inappropriate](#)

Share this review:



< Previous 1 ... 62 63 64 ... 88 Next >

#### RECENTLY VIEWED ITEMS

2

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>

HSN Price: \$49.95



Concierge Collection Soft-Touch 100% Cotton 9-piece Towel Set  
HSN Price: \$69.95

What do you get when you combine the spice of legendary culinary industry leaders? You get a recipe for gourmet dinnerware that will kick up your kitchen a notch or two. As Emeril brings quality and style to every piece he designs.

#### WHEN TO WATCH

Get an email alert when Emeril Lagasse products will be on TV.

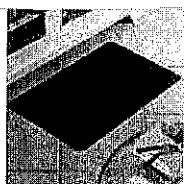
Enter your email address

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twiggy LONDON "Royal Ruffle" Chiffon Blouse  
HSN Price: \$59.90



Emeril by GelPro® Dual-Density 32" x 20" Chef's Mat  
HSN Price: \$79.99



Emeril by T-fal® 1800-Watt Nonstick Gourmet Grill  
HSN Price: \$99.99



Top Chef Knife Set - 15 pc.  
HSN Price: \$201.90

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Bon Appétit 3-piece Steel Cutlery Set in Bamboo Box

HSN Price: \$49.95



Emeril 4-piece Knife Set with 5-piece Cutting Board and Mat Set

HSN Price: \$49.99



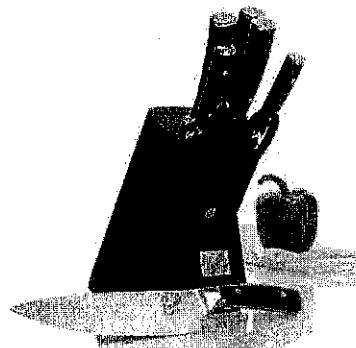
Kitchen Logic 7-piece Ceramic Knife Set

HSN Price: \$49.90

Sale Price: \$34.95

**WHY SHOP HSN?**

For exclusive products and brands, flexible payment options and new daily values too good to miss, there's no place like HSN.

**SOLD OUT** Item is currently out of stock[see more results for "Knife Sets" ▶](#)**Emeril 8-piece German Steel Knife Set with Block** Item: 106-301

HSN Price: \$69.99

or 2 payments of \$34.99  
Shipping & Handling: \$10.95

★★★★★  
4.0  
( 60 Reviews )

[Write a Review](#)[Like](#)

1

0

**Description****Emeril 8-piece German Steel Knife Set with Block**

Stop settling for second-rate knives and kick your kitchen cutlery up a notch. This set features 6 versatile knives and a set of kitchen shears that can tackle almost any cutting job a home chef can serve up. They come in a handsome block with each knife's slot clearly labeled, so there's no confusion when returning them after use.

**What You Get****Emeril 8-piece German Steel Knife Set with Block Features**[Roll on to Zoom](#)[Play Video](#)[View Larger](#)**CUSTOMER REVIEWS**[Write a Review](#)**Emeril 8-piece German Steel Knife Set with Block Reviews**

★★★★★  
Average Customer Rating:  
4.0

**Sort reviews by:**[Date - Newest First](#)Arrived damaged... Sally2010, KS ★★★★★  
5/30/2011

Arrived damaged and with one knife missing. Disappointed with quality of knives so would have returned. Made in China with German steel but very heavy... Looking for fine German or American steel knives and willing to pay more. Don't really need block as I like to keep in drawer. Customer service, as always, is being VERY HELPFUL with

**Specs****Use & Care****Notes**

For warranty information, please call HSN.com Customer Service at 800.933.2887 (8 am-1 pm ET).

return.

Was this review helpful to you? Yes | No

Report if Inappropriate

Share this review:

#### ABOUT EMERIL LAGASSE



Go Emeril... muzzie38, NV ★★★★★ 5/27/2011

All the knives are very sharp. The smallest knife is for a right-handed person, and I am left-handed. The block is attractive. Glad that I got the set.

Was this review helpful to you? Yes | No

Report if Inappropriate

Share this review:

#### WHEN TO WATCH

Disappointed... AngelEyes49, UT ★★★★ 5/26/2011

The handles were plastic which I could not tell from the show in which I purchased the Emeril Cutlery with the block. The metal may be German made but assembled in China. The show keyed in on the word "German made" constantly and I thought

"wow" what a deal now I see why....plastic handles and assembled in China. I sent the cutlery to my daughter for a starter set. Sorry Emeril.

Was this review helpful to you? Yes | No

Report if Inappropriate

Share this review:

Get an email alert when Emeril Lagasse products will be on TV.

Enter your email address

SIGN UP

See Details | Privacy Policy

Great Knives!!!... Gela554, MO ★★★★★

5/26/2011

I really like the knives they feel good in my hands and they cut excellent. I think that is the most important thing about knives. They stamp them with China on one side and Solingen, Germany on the other, if it is so a big deal for most people hsn should address it and not mislead people.

Was this review helpful to you? Yes | No

Report if Inappropriate

Share this review:

So-so knife set... Quietmann, PA ★★★★ 5/25/2011

The knives could have been sharper out of the box. What bothers me is: They are touted to be German steel.....yet they are made in China. It is common knowledge that China has more steel making ability than Germany and the USA combined. It sounds like HSN sold us a bill of goods.

1 of 1 found this review helpful.

Was this review helpful to you? Yes | No

Report if Inappropriate

Share this review:

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#### RECENTLY VIEWED ITEMS

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Other HSN Sites: Ballard Designs | Frontgate | Garnet Hill | Grandin Road | Chasing Fireflies | Improvements | TravelSmith

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# **Exhibit B**

**To First Amended Complaint**

**NOTICE OF VIOLATION OF  
CONSUMER LEGAL REMEDIES ACT ("CLRA")**

**VIA CERTIFIED MAIL**

**Return Receipt Requested**

ALLEN MOSHIRI  
1070 Stradella Road  
Los Angeles, CA 90077  
Phone: (310) 699-7957

December 6, 2012

---

HSNi, LLC, a limited liability company  
d/b/a Home Shopping Network ("HSN")  
1 HSN Drive  
St. Petersburg, Florida

**RE: Purchase of Emeril "Santoku" Knife**

**Violation of Consumer Legal Remedies Act**

Dear SED International Holdings, Inc.:

**PLEASE TAKE NOTICE** that this letter constitutes notice under the California Consumer Legal Remedies Act, ("CLRA") California Civil Code Section 1750, et seq., (the "ACT") -- pursuant specifically to Civil Code Section 1782 -- notifying you of violations of the Act and of my demand that you remedy such violation within 30 days from your receipt of this letter.

On or about July 8, 2012, I purchased a 5-inch Santoku Knife with a knife sharpener under the brand name Emeril Santoku Knife from the Home Shopping Network. I purchased the knife after learning it was (supposedly) a Solingen knife, which is known for its high quality and durability.

After receiving the knife in the mail, I used it for a short while and found it to be very poor quality. Furthermore, it did not function as marketed and/or otherwise advertised under the "Emeril" label or brand. In fact, the bottom of my email receipt (attached to this letter) stated as follows with regard to the intended quality of both the knife and the Emeril label:

"What do you get when you combine the spice of legendary chef Emeril Lagasse with the expertise of culinary industry leaders? You get a recipe for gourmet cookware, appliances, cutlery and dinnerware that will kick up your kitchen a notch or two. As passionate about cooking as you are, Emeril brings quality and style to every piece he designs."

This is not the case as the knife does not function with superior quality. The blade is dull and is not sharp. It rusted after two weeks. It does not sharpen using its own sharpener. It is lightweight, which gives less control to the user.

Moreover, had I known the knife was not actually a Solingen knife, I would not have purchased it. I later learned that the knife was made in China.

Please be advised that the alleged deceptive acts or practices in violation of the CLRA include, but are not necessarily limited to your actions -- or inactions -- as indicated above and also in representing that the Emeril Santuku Knife has characteristics, uses, and benefits which it does not have and also that it is of a high quality which it is not.

**Based upon the above, demand is hereby made that you refund the \$21.44 charge incurred by me for purchase of the Emeril Santuku Knife, as well as to all others who similarly purchased a Emeril Santuku Knife, either on HSN or other retail outlet.**

Please be advised that your failure to comply with this request within thirty (30) days may subject you to the following remedies, which are available for a violation of the Consumer Legal Remedies Act.

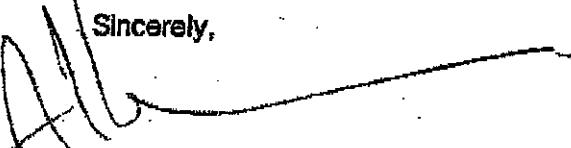
- (1) The actual damages suffered by me;
- (2) The actual damages suffered by other consumers similarly situated, including others who purchased an Emeril Santuku Knife and/or other potential class members;
- (3) An order enjoining you for such methods, act or practices;
- (4) Punitive Damages;
- (5) Any other relief which the court deems proper; and
- (6) Court costs and attorneys' fees for myself and all other consumers, users of your services and/or potential class members.

This letter will constitute FURTHER NOTICE that the actions as set forth above also constitute violations of California's Business and Professions Code

Sections 17200 and 17500 (Unfair Business Practices and False Advertising) as unfair business acts and practices.

I look forward to receiving my refund. Thank you for your time and consideration in this matter.

Sincerely,

  
ALLEN MOSHIRI

SENDER: COMPLETE THIS SECTION		COMPLETE THIS SECTION ON DELIVERY	
<ul style="list-style-type: none"> <li>■ Complete Items 1, 2, and 3. Also complete Item 4 if Restricted Delivery is desired.</li> <li>■ Print your name or address on the reverse so that we can return the card to you.</li> <li>■ Attach this card to the back of the mailpiece, or on the front if space permits.</li> </ul>		<p>A. Signature</p> <p></p> <p>B. Mailed by (Printed Name)  C. Date of Delivery </p> <p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>E. If YES, enter delivery address below. </p>	
<p>1. Article Addressed to:</p> <p><b>HSN, LLC</b>  <b>DOA HOME SHOPPING NETWORK</b>  <b>1 HSN DRIVE</b>  <b>ST. PETERSBURG,</b>  <b>FL 33729</b></p>		<p>3. Service Type:</p> <p><input type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail  <input type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise  <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.  <input type="checkbox"/> Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes</p>	
<p>2. Article Number  <input type="checkbox"/> Transfer from service label</p>		<p>PS Form 3611, February</p>	

**NOTICE OF VIOLATION OF  
CONSUMER LEGAL REMEDIES ACT ("CLRA")**

**VIA CERTIFIED MAIL**

**Return Receipt Requested**

ALLEN MOSHIRI  
1070 Stradella Road  
Los Angeles, CA 90077  
Phone: (310) 699-7957

---

December 6, 2012

Martha Stewart  
c/o Martha Stewart Living Omnimedia, Inc.  
20 West 43rd Street  
New York, NY10036-7400

**RE: Purchase of Emeril "Santuku" Knife**

**Violation of Consumer Legal Remedies Act**

Dear Ms. Stewart:

**PLEASE TAKE NOTICE** that this letter constitutes notice under the California Consumer Legal Remedies Act, ("CLRA") California Civil Code Section 1750, et seq., (the "ACT") -- pursuant specifically to Civil Code Section 1782 -- notifying you of violations of the Act and of my demand that you remedy such violation within 30 days from your receipt of this letter.

On or about July 8, 2012, I purchased a 5-inch Santuku Knife with a knife sharpener under the brand name Emeril Santuku Knife from the Home Shopping Network. I purchased the knife after learning it was (supposedly) a Solingen knife, which is known for its high quality and durability.

After receiving the knife in the mail, I used it for a short while and found it to be very poor quality. Furthermore, it did not function as marketed and/or otherwise advertised under the "Emeril" label or brand. In fact, the bottom of my email receipt (attached to this letter) stated as follows with regard to the intended quality of both the knife and the Emeril label:

"What do you get when you combine the spice of legendary chef Emeril Lagasse with the expertise of culinary industry leaders? You get a recipe for gourmet cookware, appliances, cutlery and dinnerware that will kick up your kitchen a notch or two. As passionate about cooking as you are, Emeril brings quality and style to every piece he designs."

This is not the case as the knife does not function with superior quality. The blade is dull and is not sharp. It rusted after two weeks. It does not sharpen using its own sharpener. It is lightweight, which gives less control to the user.

Moreover, had I known the knife was not actually a Solingen knife, I would not have purchased it. I later learned that the knife was made in China.

Please be advised that the alleged deceptive acts or practices in violation of the CLRA include, but are not necessarily limited to your actions -- or inactions -- as indicated above and also in representing that the Emeril Santoku Knife has characteristics, uses, and benefits which it does not have and also that it is of a high quality which it is not.

**Based upon the above, demand is hereby made that you refund the \$21.44 charge incurred by me for purchase of the Emeril Santoku Knife, as well as to all others who similarly purchased a Emeril Santoku Knife, either on HSN or other retail outlet.**

Please be advised that your failure to comply with this request within thirty (30) days may subject you to the following remedies, which are available for a violation of the Consumer Legal Remedies Act.

- (1) The actual damages suffered by me;
- (2) The actual damages suffered by other consumers similarly situated, including others who purchased an Emeril Santoku Knife and/or other potential class members;
- (3) An order enjoining you for such methods, act or practices;
- (4) Punitive Damages;
- (5) Any other relief which the court deems proper; and
- (6) Court costs and attorneys' fees for myself and all other consumers, users of your services and/or potential class members.

This letter will constitute FURTHER NOTICE that the actions as set forth above also constitute violations of California's Business and Professions Code

Sections 17200 and 17500 (Unfair Business Practices and False Advertising) as unfair business acts and practices.

I look forward to receiving my refund. Thank you for your time and consideration in this matter,

Sincerely,

ALLEN MOSHIRI

<b>NOT</b>	
<b>SENDER: COMPLETE THIS SECTION</b>	
<p><input type="checkbox"/> Complete Name, Company. Also complete Item 4. If Restricted Delivery is selected, print your name and address on the reverse so that we can return the card to you.</p> <p><input type="checkbox"/> Attach this card to the back of the mailpiece or in the front if space permits.</p> <p><input type="checkbox"/> Article Addressed to</p>	
<p>Martha Stewart THE CORPORATION TRUST COMPANY CORPORATION TRUST CENTER 1209 ORANGE ST WILMINGTON, DE 19801</p>	
<b>COMPLETE THIS SECTION ON DELIVERY</b>	
<p><input type="checkbox"/> Signature</p> <p><input type="checkbox"/> Agent</p> <p><input type="checkbox"/> Addressee</p> <p><input type="checkbox"/> Received by: Printed Name: Date of Delivery: <b>14 NOV 3 2013</b></p>	
<p><input type="checkbox"/> Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No</p>	
<p><input type="checkbox"/> Service Type</p> <p><input type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail</p> <p><input type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise</p> <p><input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.</p>	
<p><input type="checkbox"/> Registered Delivery <input type="checkbox"/> Extra fee <input type="checkbox"/> Yes</p>	
<p>Article Number: <b>7012 0420 0000</b> <b>4898 1012 0000</b></p>	
<p>PS Form 3811-1, February 2004 <input type="checkbox"/> Domestic Retail <input type="checkbox"/> Foreign</p>	
<p>02455 02455-1640</p>	

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Los Angeles, CA 90077  
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- (2) The actual damages suffered by other consumers similarly situated, including others who purchased an Emeril Santoku Knife and/or other potential class members;
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- (4) Punitive Damages;
- (5) Any other relief which the court deems proper; and
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This letter will constitute FURTHER NOTICE that the actions as set forth above also constitute violations of California's Business and Professions Code

Sections 17200 and 17500 (Unfair Business Practices and False Advertising) as unfair business acts and practices.

I look forward to receiving my refund. Thank you for your time and consideration in this matter.

Sincerely,

ALLEN MOSHIRI

**NOTICE OF VIOLATION OF  
CONSUMER LEGAL REMEDIES ACT ("CLRA")**

**VIA CERTIFIED MAIL**

**Return Receipt Requested**

ALLEN MOSHIRI  
1070 Stradella Road  
Los Angeles, CA 90077  
Phone: (310) 699-7957

---

December 6, 2012

Emeril Lagasse  
829 St. Charles Ave.  
New Orleans, Louisiana 7013

**RE: Purchase of Emeril "Santoku" Knife**  
**Violation of Consumer Legal Remedies Act**

Dear Mr. Lagasse:

**PLEASE TAKE NOTICE** that this letter constitutes notice under the California Consumer Legal Remedies Act, ("CLRA") California Civil Code Section 1750, et seq., (the "ACT") -- pursuant specifically to Civil Code Section 1782 -- notifying you of violations of the Act and of my demand that you remedy such violation within 30 days from your receipt of this letter.

On or about July 8, 2012, I purchased a 5-inch Santoku Knife with a knife sharpener under the brand name Emeril Santoku Knife from the Home Shopping Network. I purchased the knife after learning it was (supposedly) a Solingen knife, which is known for its high quality and durability.

After receiving the knife in the mail, I used it for a short while and found it to be very poor quality. Furthermore, it did not function as marketed and/or otherwise advertised under the "Emeril" label or brand. In fact, the bottom of my email receipt (attached to this letter) stated as follows with regard to the intended quality of both the knife and the Emeril label:

"What do you get when you combine the spice of legendary chef Emeril Lagasse with the expertise of culinary industry leaders? You get a recipe for gourmet cookware, appliances, cutlery and dinnerware that will kick up your kitchen a notch or two. As passionate about cooking as you are, Emeril brings quality and style to every piece he designs."

This is not the case as the knife does not function with superior quality. The blade is dull and is not sharp. It rusted after two weeks. It does not sharpen using its own sharpener. It is lightweight, which gives less control to the user.

Moreover, had I known the knife was not actually a Solingen knife, I would not have purchased it. I later learned that the knife was made in China.

Please be advised that the alleged deceptive acts or practices in violation of the CLRA include, but are not necessarily limited to your actions -- or inactions -- as indicated above and also in representing that the Emeril Santuku Knife has characteristics, uses, and benefits which it does not have and also that it is of a high quality which it is not.

**Based upon the above, demand is hereby made that you refund the \$21.44 charge incurred by me for purchase of the Emeril Santuku Knife, as well as to all others who similarly purchased a Emeril Santuku Knife, either on HSN or other retail outlet.**

Please be advised that your failure to comply with this request within thirty (30) days may subject you to the following remedies, which are available for a violation of the Consumer Legal Remedies Act.

- (1) The actual damages suffered by me;
- (2) The actual damages suffered by other consumers similarly situated, including others who purchased an Emeril Santuku Knife and/or other potential class members;
- (3) An order enjoining you for such methods, act or practices;
- (4) Punitive Damages;
- (5) Any other relief which the court deems proper; and
- (6) Court costs and attorneys' fees for myself and all other consumers, users of your services and/or potential class members.

This letter will constitute FURTHER NOTICE that the actions as set forth above also constitute violations of California's Business and Professions Code

**Sections 17200 and 17500 (Unfair Business Practices and False Advertising) as unfair business acts and practices.**

I look forward to receiving my refund. Thank you for your time and consideration in this matter.

Sincerely,

ALLEN MOSHIRI

SENDER: COMPLETE THIS SECTION		COMPLETE THIS SECTION ON DELIVERY	
<p><input type="checkbox"/> Complete items 1, 2 and 3. Also complete item 4 if Restricted Delivery is desired.</p> <p><input checked="" type="checkbox"/> Print your name and address on the reverse so that we can return the card to you.</p> <p><input checked="" type="checkbox"/> Attach this card to the back of the mailpiece or on the front of its base permit.</p> <p><input type="checkbox"/> Article Addressed to:</p> <p><i>Ernest Legasse 829 St Charles Ave New Orleans, LA 70130</i></p>		<p><input type="checkbox"/> Signature</p> <p><i>Franklin</i></p> <p><i>Franklin</i></p> <p><input type="checkbox"/> Agent</p> <p><input type="checkbox"/> Addressee</p> <p><input type="checkbox"/> Received by / Printed Name</p> <p><i>Franklin</i></p> <p><input type="checkbox"/> Date of Delivery</p> <p><i>10/14/04</i></p> <p><input type="checkbox"/> Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below. <input type="checkbox"/> No</p>	
<p>2. Article Number: <i>(Transfer from service label)</i></p>		<p>Service Type:</p> <p><input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail</p> <p><input type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise</p> <p><input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.</p> <p>4. Restricted Delivery? <i>(Extra fee)</i> <input type="checkbox"/> Yes</p>	
<p>7012 0470 0000 3096 1806</p>			

---

# Exhibit C

**To First Amended Complaint**

1 I, Allen Moshiri, hereby declare as follows:

2 1. I am the plaintiff in this action, and I am a citizen and resident of  
3 California. If called as a witness, I would and could competently testify as to  
4 within facts.

5 2. The complaint in this action, filed concurrently herewith, is filed in a  
6 proper place for trial under Cal. Civil Code Section 1780(d) in that San Francisco  
7 County is a county in which Defendants are doing business and/or in which a  
8 substantial part of the transactions at issue occurred.

9 I declare under penalty of perjury under the laws of the State of California  
10 that the foregoing is true and correct.

11  
12 Dated: February 28, 2014

13 Allen Moshiri

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# **Exhibit D**

**To First Amended Complaint**

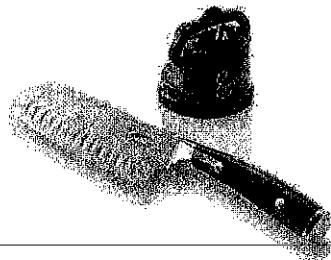
or

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HSN Shopping  
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Santoku Knives



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Emeril by T-Fal®  
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Pie and Cake Maker  
HSN Price: \$49.90



Emeril XL 1700-Watt Electric Grill by  
T-fal®  
HSN Price:  
\$199.90



Emeril 3-piece  
German Steel  
Forged Knife Set  
with Bamboo  
Cutting Board  
HSN Price: \$49.99



Top Chef 7 inch  
Santoku Knife  
HSN Price: \$24.90

Roll on to Zoom

[Play Video](#)[View Larger](#)

## Emeril Manual Knife Sharpener with 5" Santoku Knife Item: 152-241

HSN Price: \$19.99

Retail Value: \$35.69

Shipping &amp; Handling: \$4.95

★★★★★

4.6

(192 Reviews)

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1

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## CUSTOMER REVIEWS

[Write a Review](#)

Emeril Manual Knife Sharpener with 5" Santoku Knife Reviews

★★★★★

Average Customer Rating:

4.6

Sort reviews by:

Date - Newest First

Misled information on video... dab21222, FL

★★★★★ 5/21/2012

I'm disappointed in the video when Emeril stated that the Santoku knife was made in Germany. This is the main reason I made the purchase. Come to find out it is made in China. That is terrible when a top chef lies to you on tv. Wish I would have known. Emeril cannot be trusted with what he advertises.

2 of 4 found this review helpful!

Was this review helpful to you? Yes | No

Report if Inappropriate

Share this review:

## Description

## Emeril Manual Knife Sharpener with 5" Santoku Knife

Slice through salmon and squash with ease. This sharpener keeps your cutlery in prime cutting condition so you never have to worry about dull blades. It features a suction pad that holds it securely in place on your countertop. You also get a beautiful and versatile santoku knife that'll have you mincing, chopping and chiffonading with style.

## What You Get

## Emeril Manual Knife Sharpener with 5" Santoku Knife Features

## Use &amp; Care

## Notes

For warranty information, please call HSN.com Customer Service at 800.933.2887 (8 am-1 pm ET).

amazing... fit2daddy, GA ★★★★★ 5/19/2012

This knife does exactly what Emeril said it would do! I just love it!

2 of 2 found this review helpful!

Was this review helpful to you? Yes | No

Report if Inappropriate

Share this review:

## ABOUT EMERIL LAGASSE

Excellent Choice... ATricia644, MO ★★★★★ 5/18/2012



Choice to try was based on suction. Works well, & the sharpener is excellent. Even sharpened husband's coupon cutter. Knife fits in with formerly purchased block of Emeril knives. Good size for smaller uses in chopping or cutting sandwiches. Sharpener size works well in smaller kitchen.

2 of 2 found this review helpful!

Was this review helpful to you? Yes | No

Report if Inappropriate

Share this review:

#### WHEN TO WATCH

Get an email alert when Emeril Lagasse products will be on TV.

Enter your email address

**SIGNUP**

What do you get when you combine the spice of legendary chefs with the expertise of culinary industry leaders? You get a recipe for gourmet cooking and dinnerware that will kick up your kitchen a notch or two. As part of the Emeril Lagasse collection, this knife sharpener is a must have for any kitchen.

[See Details](#) | [Privacy Policy](#)

ok... lily249, PA ★★★★☆ 5/18/2012

THE KNIFE IS VERY SHARP AT FIRST, BUT IT DOES NOT STAY SHARP FOR VERY LONG. GLAD IT CAME WITH THE KNIFE SHARPENER.

2 of 3 found this review helpful!

Was this review helpful to you? Yes | No

Report if Inappropriate

Share this review:

ouch... warmwind, AL ★★★★☆ 5/18/2012

cut myself with knife,odd shape good knife

1 of 1 found this review helpful!

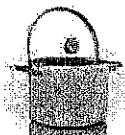
Was this review helpful to you? Yes | No

Report if Inappropriate

Share this review:

< Previous 1 ... 14 15 16 ... 39 Next >

CUSTOMERS WHO VIEWED THIS ITEM BOUGHT...



Wolfgang Puck Bistro Elite Stockpot with Lid

Price: \$39.90



Wolfgang Puck Chef's Series 6pc Steel Cutlery Set with Block

HSN Price: \$39.90



Wolfgang Puck Bistro Elite Stainless Steel Food Mill

HSN Price: \$39.90

Event Price: \$29.95



Emeril 8-piece German Steel Knife Set with Block

HSN Price: \$69.99

12% bought this item

12% bought this item

12% bought this item

12% bought this item

#### RECENTLY VIEWED ITEMS

1

2

Next

>



Emeril Manual Knife Sharpener with 5" Santoku Knife

HSN Price: \$19.99



Emeril 3-piece German Forged Knife Set with Bamboo Cutting Board

HSN Price: \$49.99



Emeril 8-piece German Steel Knife Set with Block

HSN Price: \$69.99



Emerilware Hard Anodized 13-piece Cook Set

HSN Price: \$269.99

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or

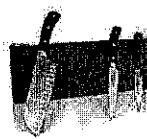
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Bon Appétit 3-piece Steel Cutlery Set in Bamboo Box

HSN Price: \$49.95



Emeril 4-piece Knife Set with 5-piece Cutting Board and Mat Set

HSN Price: \$49.99



Kitchen Logic 7-piece Ceramic Knife Set

HSN Price: \$49.90

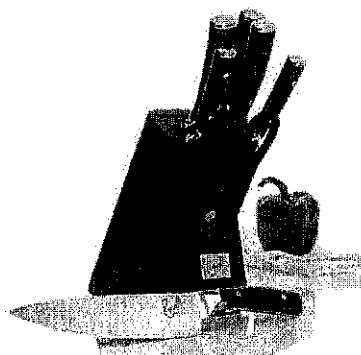
Sale Price: \$34.95

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**Emeril 8-piece German Steel Knife Set with Block** Item: 106-301

HSN Price: \$69.99

or 2 payments of \$34.99  
Shipping & Handling: \$10.95

★★★★★  
4.0  
(60 Reviews)

[Buy](#) Like  0**Description****Emeril 8-piece German Steel Knife Set with Block**

Stop settling for second-rate knives and kick your kitchen cutlery up a notch. This set features 6 versatile knives and a set of kitchen shears that can tackle almost any cutting job a home chef can serve up. They come in a handsome block with each knife's slot clearly labeled, so there's no confusion when returning them after use.

**What You Get****Emeril 8-piece German Steel Knife Set with Block Features**[Roll on to Zoom](#)[Play Video](#)[View Larger](#)**CUSTOMER REVIEWS**[Write a Review](#)**Emeril 8-piece German Steel Knife Set with Block Reviews**

★★★★★  
Average Customer Rating:  
4.0

**Sort reviews by:**Arrived damaged... Sally2010, KS ★★★★★  
5/30/2011

Arrived damaged and with one knife missing. Disappointed with quality of knives so would have returned. Made in china with German steel but very heavy....Looking for fine German or American steel knives and willing to pay more. Dont really need block as I like to keep in drawer. Customer service, as always, is being VERY HELPFUL with

**Specs****Use & Care****Notes**

For warranty information, please call HSN.com Customer Service at 800.933.2887 (8 am-1 pm ET).

return.

Was this review helpful to you? Yes | No

Report if Inappropriate

Share this review:

#### ABOUT EMERIL LAGASSE



Go Emeril... muzzie38, NV ★★★★☆ 5/27/2011

All the knives are very sharp. The smallest knife is for a right-handed person, and I am left-handed. The block is attractive. Glad that I got the set.

Was this review helpful to you? Yes | No

Report if Inappropriate

Share this review:

What do you get when you combine the spice of legendary cl of culinary industry leaders? You get a recipe for gourmet co dinnerware that will kick up your kitchen a notch or two. As pi Emeril brings quality and style to every piece he designs.

#### WHEN TO WATCH

Disappointed... AngelEyes49, UT ★★★★☆ 5/26/2011

The handles were plastic which I could not tell from the show in which I purchased the Emeril Cutlery with the block. The metal may be German made but assembled in China. The show keyed in on the word "German made" constantly and I thought

"wow" what a deal now I see why....plastic handles and assembled in China. I sent the cutlery to my daughter for a starter set. Sorry Emeril.

Was this review helpful to you? Yes | No

Report if Inappropriate

Share this review:

Get an email alert when Emeril Lagasse products will be on TV.

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Great Knives!!!... Gela554, MO ★★★★★ 5/26/2011

I really like the knives they feel good in my hands and they cut excellent. I think that is the most important thing about knives. They stamp then with China on one side and Solingen Germany on the other, if it is so a big deal for most people hsn should address it and not mislead people.

Was this review helpful to you? Yes | No

Report if Inappropriate

Share this review:

So-so knife set... Quietmann, PA ★★★★☆ 5/25/2011

The knives could have been sharper out of the box. What bothers me is. They are touted to be German steel....yet they are made in China. It is common knowledge that China has more steel making ability than germany and the USA combined. It sounds like HSN sold us a bill of goods.

1 of 1 found this review helpful!

Was this review helpful to you? Yes | No

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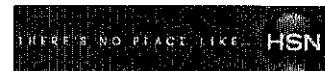
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Knife Sets



Roll on to Zoom

Play Video

View Larger



## CUSTOMER REVIEWS

Write a Review

**Emeril 8-piece German Steel Knife Set with Block**  
Reviews

★★★★★  
Average Customer Rating:  
4.4

Sort reviews by:  
Date - Newest First

**Poor Warranty and Quality...** Dakota776, ND  
6/24/2012

My paring knife broke and I called the warranty number. You are asked to leave your name and number and they never get back to you. These are too expensive to be throw-away knives. They look nice in the stainless steel but it would be nice to be able to replace them when they break.

Was this review helpful to you? Yes | No

Report if Inappropriate

Share this review:

**WHAT?...** DEEDEEGIRL417, OH  
8/18/2012

I think the presentation is beautiful with my stainless steel appliances. I bought my set in March. I don't use them everyday, maybe 1 or 2 times a week. This week the 7in snapped in two pieces just cutting a chicken breast. I called hsn, they gave me a number to call for warranty info., so we will see.

Was this review helpful to you? Yes | No

Report if Inappropriate

Share this review:

**Poor Quality...** Tony851, PA  
★★★★★

## Emeril 8-piece German Steel Knife Set with Block Item: 150-551

HSN Price: \$69.99

Retail Value: \$173.92

Shipping &amp; Handling: \$8.95

★★★★★  
4.4  
(142 Reviews)

Like 37

## PROMOTIONAL OFFERS

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HSN Price: \$99.90



Emeril by T-fal®  
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Gourmet Grill  
HSN Price: \$99.90



Emeril 3-piece  
German Steel  
Forged Knife Set  
with Bamboo  
Cutting Board  
HSN Price: \$49.99



Emerilware™ by All-  
Clad 6-piece  
Nonstick Bakeware  
Set  
HSN Price: \$29.99

## Description

## Emeril 8-piece German Steel Knife Set with Block

Stop settling for second-rate knives and kick your kitchen cutlery up a notch. This set features 6 versatile knives and a set of kitchen shears that can tackle almost any cutting job a home chef can serve up. They come in a handsome block with each knife's slot clearly labeled, so there's no confusion when returning them after use.

## What You Get

## Emeril 8-piece German Steel Knife Set with Block Features

## Specs

## Use &amp; Care

## Notes

For warranty information, please call HSN.com Customer Service at 800.933.2887 (8 am-1 pm ET).

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8/11/2012

Two blades broke within a 5 month period. One blade broke in half while I was cutting a block of cheese. Another blade broke in half when I accidentally dropped it on the kitchen floor.

Was this review helpful to you? Yes | No

[Report if Inappropriate](#)

[Share this review](#):

#### ABOUT EMERIL LAGASSE



#### WORTH THE MONEY... paris2, AL ★★★★★

8/8/2012

I BOUGHT THE STAINLESS STEEL. IT IS A NICE SET. THE KNIVES ARE SHARP. I LIKE ONE THE BLOCK WHERE YOU DONT HAVE TO GUESS WHICH KNIFE GOES WHERE IT HAS IT ON THE BLOCK. CLEANS WELL ALSO. THE ONLY THING WAS WHEN I OPENED THE PACKAGE IT WAS SO DUSTY THAT YOU REALLY HAD TO CLEAN THE BLOCK. BUT ON THE OTHER HAND I LOVE THESE KNIVES.

Was this review helpful to you? Yes | No

[Report if Inappropriate](#)

[Share this review](#):

What do you get when you combine the spice of legendary cl of culinary industry leaders? You get a recipe for gourmet co dinnerware that will kick up your kitchen a notch or two. As pr Emeril brings quality and style to every piece he designs.

#### WHEN TO WATCH

Get an email alert when Emeril Lagasse products will be on TV.

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#### Love them... Vizoco, FL ★★★★★ 8/8/2012

These knives are sharp and look great. Very satisfied with purchase.

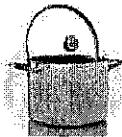
Was this review helpful to you? Yes | No

[Report if Inappropriate](#)

[Share this review](#):

1 2 3 ... 29 [Next >](#)

#### CUSTOMERS WHO VIEWED THIS ITEM BOUGHT...



Wolfgang Puck Bistro Elite Stockpot with Lid

Price: \$39.90

14% bought this item



Andrew Lessman Healthy Hair, Skin & Nails

From: \$16.90 - \$119.00

14% bought this item



Wolfgang Puck Bistro Elite Stainless Steel Food Mill

HSN Price: \$39.90

Event Price: \$29.95

14% bought this item



Emeril 8-piece German Steel Knife Set with Block

HSN Price: \$69.99

14% bought this item

#### RECENTLY VIEWED ITEMS

1

2

[Next](#)

[>](#)



Emeril 8-piece German Steel Knife Set with Block

HSN Price: \$69.99



Emeril Manual Knife Sharpener with 5" Santoku Knife

HSN Price: \$19.99



Emeril 3-piece German Steel Forged Knife Set with Bamboo Cutting Board

HSN Price: \$49.99



HSN Price: \$269.99

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## PROOF OF SERVICE

I am a resident of Orange County and citizen of the United States. I am over the age of 18 years and not a party to the within action.

On July 18, 2014, I served the foregoing document(s) described as: **FIRST AMENDED CLASS ACTION COMPLAINT**, on the interested party(ies) in this action as follows:

Daniel Michael Blouin  
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Kristine Rinella Argentine  
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**SEYFARTH SHAW LLP**  
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San Francisco, California 94105

XX **(CM/ECF)** - I caused the above document(s) to be transmitted to the office(s) of the addressee(s) listed above by electronic mail at the e-mail address(es) set forth above pursuant to Fed.R.Civ.P.5(b)(2)(E). A Notice of Electronic Filing (NEF) is generated automatically by the ECF system upon completion of an electronic filing.

XX **(FEDERAL)** - I declare that I am employed in the office of a member of the bar of this Court at whose discretion the service was made.

I declare under penalty of perjury under the laws of the United States and the State of California that the foregoing is true and correct.

Executed on **July 18, 2014**, in Newport Beach, California.

/s/ Denise Isfeld  
Denise Isfeld